

REISSUE APPLICATION DECLARATION BY THE INVENTOR

Docket Number

000309.00011

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original first and joint inventor (if plural names are listed below) of the subject matter which is described and claimed in the below identified patent:

Patent Number

5,836,995

Date Patent Issued

November 17, 1998

Title of Invention

Portable muscle stimulator with pulse width control

for which a reissue patent is sought on the invention entitled:

Portable muscle stimulator with pulse width control

the specification of which

☐ is attached hereto

☒ was filed on April 24, 2000 as reissue application number 09/556,389
and (if applicable) was amended on _____

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

We (I) hereby claim foreign priority benefits under 35 USC §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed. Prior Foreign Application(s):

Application No.

Country

Day/Month/Year

**Priority
Claimed**

We (I) hereby claim the benefit under 35 USC §119(e) of any United States *provisional* application(s) listed below.

Application Number

Filing Date

We (I) hereby claim the benefit under 35 USC §120 of any United States application(s), or §365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 USC §112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

Application Serial No.

Filing Date

Status

09/290,407

April 13, 1999

patented

08/806,601

February 26, 1997

patented

08/536,924

September 29, 1995

patented

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all that apply)

☐ by reason of a defective specification or drawing.

☒ by reason of the patentee claiming more or less than he had the right to claim in the patent.

☐ by reason of other errors.

At least one error upon which reissue is based is described as follows:

Claims 1-42 claim less than the patentee had a right to claim because they are limited to a portable muscle stimulator, whereas the invention as disclosed (and the subject matter of new claims 43-56) has broader applicability.

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant.

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected herewith: Herbert Cohen, Reg. No. 25,109; Victor M. Wigman, Reg. No. 25,201; George C. Myers, Jr., Reg. No. 27,040; Donald R. Greene, Reg. No. 22,470; Michael C. Greenbaum, Reg. No. 28,419; Michael D. White, Reg. No. 32,795; David J. Edmondson, Reg. No. 35,126; Denise C. Lane, Reg. No. 42,780; Peter S. Weissman, Reg. No. 40,220; and Nick Bromer, Reg. No. 33,478.

Correspondence Address:
 BLANK ROME COMISKY & MCCAULEY LLP
 THE FARRAGUT BUILDING
 SUITE 1000
 900 17TH STREET, NW
 WASHINGTON, DC 20006
 TEL (202) 530-7400
 FAX (202) 463-6915

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Full Name of sole or first inventor (given name, family name)

Michael B. McGraw

Signature

Michael B McGraw

Date

1/30/01

Residence

Vancouver, Washington

Citizenship

U.S.A.

Post Office Address 13101 N.W. 35th Court, Vancouver, WA 98685

Full Name of second joint inventor (given name, family name)

William A. Rux

Signature

William A Rux

Date

1/31/01

Residence

Hillsboro, Oregon

Citizenship

U.S.A.

Post Office Address 1981 N.E. Brogden Court, Hillsboro, OR 97214

Full Name of third joint inventor (given name, family name)

Signature

Date

Residence

Citizenship

Post Office Address

☐ Additional joint inventors are named on separately numbered sheets attached hereto.

RECEIVED
 APR 18 2001
 TC 8100 MAIL ROOM